

In the United States Court of Federal Claims

No. 19-1065C

(Filed: July 25, 2019)

| | |
|--------------------------|---|
| KORD TECHNOLOGIES, INC., |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| UNITED STATES, |) |
| |) |
| Defendant. |) |

ORDER

Pending before the court is a joint motion for voluntary dismissal of this action, filed July 25, 2019. ECF No. 8. Plaintiff Kord Technologies, Inc. (“Kord”) has protested before the Government Accountability Office (“GAO”) the award of a contract by the Missile Defense Agency and sought a stay of performance. The Agency had initially rejected the stay as untimely, prompting Kord to seek a declaratory judgment from this court that would have required the Agency to stay performance during the pendency of the GAO protest. *See* Compl., ECF No 1; [Pl.’s] Mot. for Decl. Judgment, ECF No. 2. The government now represents in the joint motion that performance will be stayed and that a stop work order was issued to the awardee earlier today. The parties jointly request the complaint be dismissed without prejudice and that the court waive any future filing fees if Kord complains of the Agency failing to honor the stay of performance during the pendency of the GAO protest.

Because the Agency has issued a stop work order and will stay performance during the pendency of the GAO protest, Kord has obtained the relief it seeks from this court. Kord’s complaint is now moot. Accordingly, the joint motion is GRANTED and Kord’s motion for declaratory judgment is DENIED as moot. Kord’s complaint is dismissed without prejudice. The clerk shall enter judgment accordingly.

Additionally, Kord’s request for a waiver of filing fees is GRANTED. If the Agency withdraws the stop work order and Kord renews its claim for declaratory judgment, the clerk shall permit Kord to file without being required to pay filing fees.

It is so **ORDERED**.

No costs.

s/ Charles F. Lettow

Charles F. Lettow
Senior Judge